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Attorneys for Defendant:
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;
 OTTOMOTTO LLC; OTTO TRUCKING
 LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING'S
 OPPOSITION AND NOTICE TO JOIN
 AND ADOPT DEFENDANTS UBER
 TECHNOLOGIES, INC.'S AND
 OTTOMOTTO LLC'S OPPOSITION TO
 PLAINTIFF WAYMO LLC'S MOTION *IN*
LIMINE NO. 4**

Courtroom: 8
 Judge: Hon. William Alsup
 Trial Date: October 10, 2017

REDACTED VERSION OF DOCUMENT
 SOUGHT TO BE SEALED

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT Defendant Otto Trucking, LLC ("Otto Trucking") hereby
 3 opposes Plaintiff Waymo's Motion *In Limine* No. 4 and joins and adopts Co-Defendants Uber
 4 Technologies, Inc.'s ("Uber") and Ottomotto LLC's ("Ottomotto") Opposition to Waymo's Motion
 5 *in Limine* No. 4 (Dkt. No. 978) (the "Opposition"). In support of the Opposition, Otto Trucking
 6 states as follows:

7 1. On July 17, 2017, Plaintiff Waymo LLC filed its Motion *in Limine* No. 4 to preclude
 8 any argument, testimony, or evidence about efforts taken in response to the Court's Preliminary
 9 Injunction order, including to preclude any reference to the questionnaires and witness interviews
 10 Defendants did during the litigation.

11 2. On July 21, 2017, Co-Defendants Uber and Ottomotto submitted their Opposition to
 12 Waymo's Motion *in Limine* No. 4 (Dkt No. 978).

13 3. Otto Trucking joins and adopts, as if set out verbatim herein, the arguments,
 14 authorities, contentions, and prayers of Co-Defendants Uber and Ottomotto set forth in the
 15 Opposition for the reason that said response is equally applicable to Otto Trucking in the above-
 16 captioned matter.¹ Otto Trucking further states that:

17 a. Otto Trucking is a limited liability company with no operations or facilities. Otto
 18 Trucking's wholly-owned subsidiary, Otto Transport LLC ("Otto Transport") owns
 19 three trucks. Neither Otto Trucking nor Otto Transport are involved in the
 20 development of LiDAR and [REDACTED]

21 [REDACTED].
 22 b. Otto Transport's address is the same as one of the facilities inspected by Waymo in
 23 this litigation. During that inspection, none of Waymo's lawyers or experts found
 24 any of the allegedly "downloaded files." Nevertheless, Otto Trucking offered to
 25 make Otto Transport's trucks available for inspection on July 6, 2011. Waymo
 26

27 ¹ Otto Trucking clarifies that Waymo has no evidence that Mr. Levandowski took any "downloaded
 28 files" such that any needed to be returned or provided to Uber. Otto Trucking disputes Waymo's
 suggestion that any such activity occurred.

1 responded on July 20, 2017 requesting a further inspection of Defendants' premises
2 and the Otto Transport trucks.

3 c. Waymo has no evidence that Otto Trucking received any purported trade secrets or
4 did anything involving the Spider or Fuji LiDAR systems that allegedly contained
5 Waymo's purported trade secrets. As is the case for Co-Defendants Uber and
6 Ottomotto, Waymo's investigation of Otto Trucking has failed to yield any evidence
7 that the alleged "downloaded materials" are in Otto Trucking's possession. Otto
8 Trucking personnel Lior Ron, Adam Bentley, and Rhian Morgan have no knowledge
9 of the downloaded materials. Accordingly, Otto Trucking should be allowed to
10 show at trial that Waymo's investigation of Otto Trucking came up empty.

11 4. Otto Trucking joins and adopts Co-Defendants' Opposition to best serve justice and
12 avoid unnecessary or duplicative, effort, time, or expense to the parties involved.

13 WHEREFORE, Defendant Otto Trucking LLC hereby opposes Plaintiff Waymo's Motion *In*
14 *Limine* No. 4 joins and adopts Co-Defendants' Opposition to Waymo's Motion *in Limine* No. 4 (Dkt
15 No. 978).

16
17 Dated: July 21, 2017

Respectfully submitted,

18 By: /s/ Neel Chatterjee
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 Otto Trucking LLC
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **July 21, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I certify under penalty of perjury that the foregoing is true and correct.

Executed on **July 21, 2017**, at Menlo Park, California.

/s/ Neel Chatterjee
NEEL CHATTERJEE